

Remarks/Arguments:

Claims 1-21 remain pending in the application.

Claims 1, 6-7, 11 and 13-14 are hereby amended.

Claim 8 is hereby canceled (because the limitations are incorporated into the amended independent claim 6).

1. Specification. The informality corrections are hereby made by amendment. No new matter is added by the amendment.

2. Claims 6 and 7 were rejected under 35 USC 112. These claims are here amended to conform to the written description (as understood by the examiner). In particular, the words “concave” and “convex” have been changed/corrected in the claims, in order to indicate more clearly that the pan and lid have opposing internal curvatures when engaged forming the system enclosure.

3. Claims 11-21 were rejected under 35 USC 102(b) as anticipated by Cornfield. Applicant has hereby amended the independent claims 11 and 14, as well as dependent claim 13. Applicant’s amendments to claims 11 and 13 are made to clarify and, Applicant respectively submits, are not necessary to overcome the rejection of claims 11-13. In particular, Applicant’s claims 11-13 include the limitations of the independent claim 11, to wit, a “strip with a mediate extension”, a “tine rib on the strip”, and “at least one pin for attaching the strip”.

The examiner relies on Cornfield for purportedly disclosing “a recess about which a kitchen utensil could be placed for lifting the lid away from the pan”, and then further purports (without any reference) to “widely practiced and known skill in the art”.

Cornfield does not disclose the several limitations of Applicant's claims. Moreover, Cornfield merely identifies the purported "recess" as a "handle" (e.g., col. 3, lines 16-20) and/or a "pressure regulator" (e.g., Id.). There is not any disclosure in Cornfield of any strip with a mediate extension or tine rib on the strip, as specifically described in Applicant's claims.

Apparently, the examiner believes that the "handle" or "pressure regulator" of Cornfield is a mechanism that can be manipulated by engagement with a kitchen utensil. Although someone could attempt this (with uncertain results, because it's not described by Cornfield as to how or if this could be done), Cornfield does not disclose or indicate any such mechanism of Applicant's claims for particularly accepting a kitchen utensil in the manner contemplated. Cornfield merely discloses a handle/pressure regulator. Applicant's claims include limitations not disclosed by Cornfield. Cornfield does not anticipate.

As to claims 14-21, Applicant's independent claim 14 is hereby amended to more specifically describe that the "shell" (e.g., pan and top) permits conducted heat throughout the shell (e.g., the pan and top enclosure), in order to obtain fast heat transfer into the shell and convective heating within the shell. This is unique to Applicant's claimed invention. Applicant's claims are directed to a new, different, distinct, and non-obvious type of cooking and cookware to achieve the cooking. Many foods, particularly as prepared by reputed chefs, are best prepared by baking in an oven or similar heat source in which heat is directed to the food from all directions. Moreover, such foods can require quick and immediate heat transfer to the food through and into the cookware, in

order that the food is convectively heated within the cookware. Applicant's claims distinctly claim limitations that point out these particular desirable characteristics, structures, and achievements via Applicant's inventions.

Cornfield, on the other hand, is primarily directed to a "unique straight sided domed cover" (e.g., col. 4, lines 13-15; claim 1, for example, including limitation of a "cover extending straight and upwardly"). In fact, Cornfield includes lengthy results achieved in comparing the "straight sided" cover versus a curvilinear/flat or otherwise designed cover. Moreover, Cornfield describes direct heating, such as over a stove top or other generally unidirectional heat source to the bottom of the Cornfield pan. There is not any disclosure of Cornfield, nor any teaching or suggestion by Cornfield, that the pan and top of Cornfield provide any particular chance or opportunity for fast heat transfer throughout the entire assembly and convective cooking within the assembly because of the structures.

Applicant's amended claims specifically point out that the "multi-directional heat source" is "directed substantially around the entirety of the shell", for "fast heat transfer into and through the shell substantially across the entirety of the shell", and with convective heating within the shell. Applicant's inventions of the amended claims deliver unique and distinct structures, operations, cooking method and resulting cooked food product.

4. Claims 1-4 and 6-8 were rejected under 35 USC 103(a) as unpatentable over Cornfield in view of the disclosure taught in <http://www.innova-inc.com/Training-Guages.asp>. Foremost, Cornfield does not teach or suggest the substance of Applicant's

amended claims, as described above, particularly, that Applicant's system effects fast heat transfer substantially through the entirety of the thin-walled top and thin-walled bottom for convective heating internally. Moreover, the Innova website references teach away from Applicant's claimed inventions and show the unique and non-obvious nature of Applicant's inventions of the amended claims.

Applicant has hereby amended independent claims 1 and 6. The amendment to claim 1 particularly addresses the "fast heat transfer internally into the system substantially through the entirety of the thin-walled bottom and thin-walled top" for effecting convective heating of contents. The amendment to claim 6 further specifies that the thinness of Applicant's claimed system is outside of parameters of the typical/conventional as stated by the Innova reference. The limitations of original claim 8 (canceled by the amendment) have been added to claim 6 via the amendment of claim 6, in order to further point out the unique and non-obvious cooking function and assembly of Applicant.

As to the Innova reference, it states that the typical/conventional thickness for aluminum is "10 gauge on frypans and a thinner 12 gauge on saucepans and dutch ovens" or "heavier 8 gauge... 10 gauge..." or greater, and for stainless steel is either "0.6 MM for bodies and lids" or "0.7 MM to 1.0 MM thick". The Innova reference additionally states that "promotional lightweight frypans with 'generic' non-stick coatings are usually 12 gauge or 14 gauge" aluminum and "low end stainless steel... generally 0.5 MM thick". Further, it is notable that the Innova reference is directed to "conductor of heat" considerations, such as in a frying pan assembly over direct generally uni-directional to

the bottom heat cooking. The Innova reference does not contemplate or infer any use of the aluminum or stainless steel “frypans” for any multi-directional heat cooking over the entirety of the pan and lid.

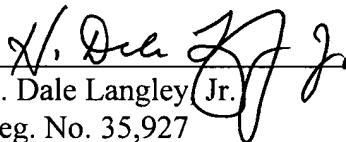
Applicant’s amended claims particularly provide for the “fast heat transfer... through substantially the entirety” of the system, including top and bottom (i.e., shell assembly), and for “convective heating” internally. Further, the range of thickness of materials described in Applicant’s amended claims is 1.4mm to 2.0mm for aluminum (i.e., this range is thinner than the 12 gauge range identified by Innova as typical/conventional, and is largely beyond the 12 and 14 gauges described by Innova as limited to “promotional lightweight frypans with “generic” non-stick coatings”). The range described in Applicant’s amended claims for stainless steel is 0.4mm to 0.6mm (i.e., much thinner than the typical/conventional 0.6mm and greater thickness in the Innova reference). In every event, Applicant’s amended claims are distinct and non-obvious in view of the references, because of the limitation of effecting “fast heat transfer internally... substantially through the entirety” for “convective heating internally”.

As to claim 5, the deficiencies of Cornfield are not supplied by Morgan. Because claim 5 depends from amended claim 1, as distinguished above, the rejections should be withdrawn.

If the Examiner has any questions or comments, the undersigned attorney for Applicant respectfully requests a call to discuss any issues. The Office is authorized to charge any excess fees or to credit any overage to the undersigned's Deposit Account No. 50-1350.

Respectfully submitted,

Date: August 2, 2005

By: 
H. Dale Langley Jr.
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr.
610 West Lynn
Austin, Texas 78703
Telephone: (512) 477-3830
Facsimile: (512) 477-4080
E-Mail: dlangley@iptechlaw.com